

2729, 53 Stat. 1426, 1427; act June 30, 1949, ch. 288, title I, §103, 63 Stat. 380; 1950 Reorg. Plan No. 18, §2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, restricted expenditures for production of electricity.

SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 33a. Omitted

CODIFICATION

Section, Pub. L. 87-125, title V, §507, Aug. 3, 1961, 75 Stat. 283, which prohibited use of funds available to wholly owned Government corporations for purchase or construction of office buildings without specific authority in law, was from the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriations acts:

July 12, 1960, Pub. L. 86-642, title II, §207, 74 Stat. 478.
 July 8, 1959, Pub. L. 86-79, title II, §207, 73 Stat. 166.
 June 25, 1958, Pub. L. 85-468, title II, §207, 72 Stat. 225.
 June 5, 1957, Pub. L. 85-48, title II, §207, 71 Stat. 54.
 June 13, 1956, ch. 385, title II, §207, 70 Stat. 281.
 June 29, 1955, ch. 226, title II, §207, 69 Stat. 196.
 Aug. 26, 1954, ch. 935, ch. XIII, §1307, 68 Stat. 829.
 Aug. 7, 1953, ch. 340, ch. XIII, §1307, 67 Stat. 436.
 July 15, 1952, ch. 758, ch. XIV, §1407, 66 Stat. 660.
 Nov. 1, 1951, ch. 664, ch. XIII, §1307, 65 Stat. 756.
 Sept. 6, 1950, ch. 896, title XII, §1207, 64 Stat. 764.
 Aug. 24, 1949, ch. 506, title III, §307, 63 Stat. 662.
 June 30, 1948, ch. 773, title III, §302, 62 Stat. 1194.
 July 30, 1947, ch. 358, title III, §302, 61 Stat. 583.
 July 20, 1946, ch. 589, title III, §302, 60 Stat. 595.

§ 34. Rent of buildings in District of Columbia; contracts not to be made until appropriation

No contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and this clause shall be regarded as notice to all contractors or lessors of any such building or any part of building.

(Mar. 3, 1877, ch. 106, 19 Stat. 370.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 356 of this title; title 8 section 1363a; title 15 section 2076; title 19 section 2081; title 26 section 7608; title 42 sections 242b, 282, 285a-2, 285b-3, 299c-5, 300cc-41, 1532, 2473.

§ 35. Rent of other buildings

Where buildings are rented for public use in the District of Columbia, the executive departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead: *Provided*, That, except as otherwise provided, no increase in the number of buildings in use, nor in the amounts paid for rents, shall result therefrom.

(Aug. 5, 1882, ch. 389, 22 Stat. 241.)

CODIFICATION

Act Aug. 5, 1882, did not contain "except as otherwise provided.". The word "now" after "buildings" in the proviso was eliminated.

Section is based on Legislative, Executive, and Judicial Appropriation Act of Aug. 5, 1882, fiscal year 1883.

§ 36. Repealed. Pub. L. 85-493, § 2, July 2, 1958, 72 Stat. 294

Section, acts Mar. 2, 1913, ch. 93, 37 Stat. 718; June 14, 1946, ch. 404, §6, 60 Stat. 258; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380, authorized the Commissioner of Public Buildings to enter into leases for periods not exceeding five years. See section 490 of this title.

§ 37. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569

Section, acts July 9, 1918, ch. 143, 40 Stat. 861; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501, authorized Secretary of the Army to lease buildings in District of Columbia. See sections 4780 and 9780 of Title 10, Armed Forces.

§ 37a. Repealed. Pub. L. 85-493, § 2, July 2, 1958, 72 Stat. 294

Section, acts June 16, 1949, ch. 218, title IV, §407, 63 Stat. 199; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380; Aug. 9, 1955, ch. 629, 69 Stat. 552, which authorized Commissioner of Public Buildings to lease additional space in District of Columbia for periods not in excess of five years. See section 490 of this title.

§§ 38 to 40. Omitted

CODIFICATION

Section 38, act Mar. 4, 1913, ch. 142, 37 Stat. 771, related to temporary rental of a building for Navy Department.

Section 39, act May 10, 1916, ch. 117, 39 Stat. 109, related to temporary rental of a building for Department of Justice.

Section 40, act May 10, 1916, ch. 117, 39 Stat. 118, related to temporary rental of a building for Department of Labor.

§ 40a. Transferred

CODIFICATION

Section, acts June 30, 1932, ch. 314, §322, 47 Stat. 412; Mar. 3, 1933, ch. 212, title II, §15, 47 Stat. 1517, which related to maximum rental for lease of buildings to the Government, was transferred to section 278a of this title and was subsequently repealed.

§ 41. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569

Section, acts July 8, 1918, ch. 139, 40 Stat. 826; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501, related to requisition of buildings in District of Columbia by Secretary of the Army. See sections 4780 and 9780 of Title 10, Armed Forces.

§ 42. Rooms and accommodations for Office of Personnel Management

It shall be the duty of the Administrator of General Services to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of the Office of Personnel Management and the examinations provided for in sections 3304 and 3305 of title 5, and to cause the necessary stationery and other articles to be supplied and the necessary printing to be done for the said Office.

(Jan. 16, 1883, ch. 27, §4, 22 Stat. 405; May 29, 1920, ch. 214, 41 Stat. 642; 1950 Reorg. Plan No. 18, §§1, 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

CODIFICATION

The words “the examinations provided for in sections 3304 and 3305 of title 5” were substituted for “said examinations”, meaning the examinations provided for in section 3 of act Jan. 16, 1883, to reflect the enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1920—Act May 29, 1920, transferred the duty under this section, as enacted originally, from the Secretary of the Interior to the Civil Service Commission.

TRANSFER OF FUNCTIONS

“Office of Personnel Management” and “said Office” substituted in text for “Civil Service Commission” and “said commission”, respectively, pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

Functions with respect to acquiring space in buildings by lease, functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), and functions with respect to operation, maintenance, and custody of office buildings owned by Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by Director of Bureau of the Budget, are not used predominantly for post-office purposes, with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by sections 1 and 2 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out as a note under section 490 of this title. For delegation of those transferred functions to other personnel of General Services Administration, or to heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

§ 43. Advertisements and sales in or around Washington Monument

No advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Washington Monument, except upon the written authority of the Director of the National Park Service.

(Mar. 4, 1909, ch. 299, 35 Stat. 997; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; Ex. Ord. No. 6166, §2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389.)

CODIFICATION

Section is based on act Mar. 4, 1909, which appropriated funds for care and maintenance of the Washington Monument.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Feb. 9, 1909, ch. 101, 35 Stat. 615.
May 27, 1908, ch. 200, 35 Stat. 358.

CHANGE OF NAME

Act Mar. 2, 1934, changed name of Office of National Parks, Buildings, and Reservations of Department of the Interior to National Park Service.

TRANSFER OF FUNCTIONS

Ex. Ord. No. 6166, set out as a note under section 901 of Title 5, Government Organization and Employees,

abolished Office of Public Buildings and Public Parks of National Capital and transferred its functions to Office of National Parks, Buildings, and Reservations of Department of the Interior.

Act Feb. 26, 1925, transferred functions of Secretary of War under this section, as enacted originally, to Directors of Public Buildings and Public Parks of National Capital.

§ 44. Repealed. Oct. 31, 1951, ch. 654, §1(84), 65 Stat. 704

Section, act June 30, 1906, ch. 3912, 34 Stat. 659, related to control of fishponds in the Monument Grounds, grounds around them, and buildings thereon.

§ 45. Chief of Engineers; charge of Washington Aqueduct and other public works

The Chief of Engineers shall have the immediate superintendence of the Washington Aqueduct, together with all rights, appurtenances, and fixtures connected with the same, and belonging to the United States, and of all other public works and improvements in the District of Columbia in which the Government has an interest, and which are not otherwise specially provided for by law.

(R.S. §1800.)

CODIFICATION

R.S. §1800 derived from acts Mar. 3, 1859, ch. 84, §1, 11 Stat. 435; June 25, 1860, ch. 211, §1, 12 Stat. 106; Mar. 2, 1867, ch. 167, §2, 14 Stat. 466; Mar. 30, 1867, ch. 20, §3, 15 Stat. 12.

Act Mar. 2, 1927, ch. 271, 44 Stat. 1331, which was the District of Columbia Appropriation Act for the fiscal year 1928, provided that nothing therein should be construed as affecting the superintendence and control of the Secretary of War over said aqueduct.

WASHINGTON AQUEDUCT

Pub. L. 104-182, title III, §306, Aug. 6, 1996, 110 Stat. 1685, provided that:

“(a) DEFINITIONS.—In this section:

“(1) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMER.—The terms ‘non-Federal public water supply customer’ and ‘customer’ mean—

“(A) the District of Columbia;

“(B) Arlington County, Virginia; and

“(C) the city of Falls Church, Virginia.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Army, acting through the Chief of Engineers.

“(3) VALUE TO THE GOVERNMENT.—The term ‘value to the Government’ means the net present value of a contract entered into under subsection (e)(2), calculated in accordance with subparagraphs (A) and (B) of section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), other than section 502(5)(B)(I) [probably means section 502(5)(B)(i)] of the Act, as though the contract provided for repayment of a direct loan to a customer.

“(4) WASHINGTON AQUEDUCT.—The term ‘Washington Aqueduct’ means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of enactment of this Act [Aug. 6, 1996], including—

“(A) the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir;

“(B) the infrastructure and appurtenances used to treat water taken from the Potomac River to potable standards; and

“(C) related water distribution facilities.

“(b) REGIONAL ENTITY.—

“(1) IN GENERAL.—The Congress encourages and grants consent to the customers to establish a non-